



GEORGIA M. PESTANA
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

NICOLETTE PELLEGRINO
Assistant Corporation Counsel
Phone: (212) 356-2338
Fax: (212) 356-3509
Email: npellegr@law.nyc.gov

REQUEST TO FILE UNDER SEAL

November 8, 2021

VIA E.C.F.

Honorable Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Christopher Hiram Cano v. City of New York, et al.,
19 Civ. 1640 (LGS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants City of New York, New York City Health and Hospitals, New York City Department of Correction (“DOC”) Captains Charles and Robinson, and DOC Officers Chisolm and Santiago (collectively, “Defendants”) in the above-referenced matter.¹ Defendants write to respectfully request that the Defendants be permitted to file their anticipated November 8, 2021 letter application under seal because it discusses matters and documents which have been explicitly protected from disclosure by the Court’s September 26, 2019 Stipulation of Confidentiality and Protective Order (hereinafter, “Protective Order”) and also concerns other private and/or confidential matters concerning Plaintiff. (See Dkt. No. 37 at ¶ 2(f).)

By way of background, Plaintiff was scheduled to be deposed by Defendants at the Manhattan Detention Complex on October 31, 2019. However, on October 29, 2019, the Defendants learned that Plaintiff was discharged from DOC custody into the custody of New York State. (See Dkt. Nos. 44, 45.)

¹ Upon information and belief, DOC Officer Murray has not been served with process and, thus, is not yet a proper party to this action.

Upon information and belief, on November 8, 2019, former Assistant Corporation Counsel Samantha J. Pallini provided the Court, under seal, with an update with respect to the Plaintiff's custody status and relevant criminal case, which are confidential pursuant to HIPAA and the Protective Order. Pursuant to the Protective Order, "[a]ny records unsealed as a result of Plaintiff's properly executed authorization for the unsealing of records pursuant to New York Criminal Procedure Law §§ 160.50 and 160.55, particularly pertaining to Bronx Supreme Court Indictment No. 02396/2016[,] are to be designated confidential materials and protected from disclosure to third parties, except those persons listed in paragraph 5. (See Dkt. No. 37 at ¶ 2(f).)

Here, the contents of the Defendants' anticipated November 8, 2021 letter application concerns the Plaintiff's custody status and certain disclosure on the public docket may violate HIPAA.

Accordingly, the Defendants' anticipated filing contains confidential information, and the Defendants respectfully request the Court's permission to file the Defendants' anticipated November 8, 2021 letter application under seal.²

The Defendants thank the Court for its consideration.

CC: VIA FIRST CLASS MAIL³

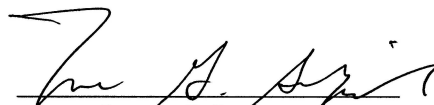
Christopher Hiram Cano
Anna M. Kross Center
18-18 Hazen Street
East Elmhurst, New York 11370

Respectfully submitted,

/s/ Nicolette Pellegrino
Nicolette Pellegrino
Assistant Corporation Counsel
Special Federal Litigation Division

The applications is **GRANTED**. The status letter at Docket No. 126 shall be filed under seal. Only Christopher Hiram Cano, Nicolette Pellegrino, the City of New York, the New York City Health and Hospitals Corporation, Correctional Officers Chisolm, Santiago, Murray, and Captains Robinson and Charles shall have access to the letter at Docket No. 126. Having demonstrated good cause for a stay extension, Defendants' motion for a extension of the stay until November 30, 2021, is **GRANTED**. The parties shall continue to file status letters every thirty days. The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff and close the motions at Docket Nos. 125 and 126.

Dated: November 9, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

² The Defendants will file their anticipated November 8, 2021 letter application under seal through the ECF system subsequent to filing their instant request.

³ On November 4, 2021, Plaintiff informed the undersigned that she is currently being housed at the Anna M. Kross Center.